

1 returned to you or the form? In other words, did they type it  
2 up --

3 A Oh, yes.

4 Q -- and send it back to you?

5 A Yes.

6 Q So it was returned to you in typed form?

7 A Yes.

8 Q Did you prepare the exhibits to the application?

9 A Not all of them. Wray and I worked on some of  
10 these.

11 Q The exhibits were a collaborative effort --

12 A Yes.

13 Q -- between you and Mr. Fitch?

14 A Right.

15 Q Were any of these exhibits prepared solely by you?

16 A Yes. The -- there was an original programming  
17 statement I made which later was a little modified here and  
18 then I made the integration statement, the background, my  
19 employment background, broadcast background. I filled that  
20 out, but this was expanded a bit.

21 Q When the application was returned to you were the  
22 exhibits appended to the application?

23 A Yes.

24 Q Did you have the engineering with the application at  
25 that point in time?

1           A     Yes, I did.

2           Q     Had the engineering been sent to Mr. Fitch or was it  
3 sent to you?

4           A     The engineering was sent to me and to Mr. Fitch.

5           Q     Simultaneously?

6           A     Yes.

7           Q     When the return -- when the document returned to you  
8 from Mr. Fitch did it have the engineering attached?

9           A     Yes.

10          Q     Mr. Willson, can I direct your attention to page 25  
11 of FCC Form 301 which is the back signature page? It may be  
12 in the middle of your document, I suspect, prior to the  
13 exhibits.

14          A     There.

15          Q     Yeah.

16          A     Um-hum, yes.

17          Q     And, Mr. Willson, is that your signature?

18          A     Yes, it is.

19          Q     I must say that's quite a signature.

20          A     Yes.

21          Q     And this document was executed by you on December  
22 -- I'm sorry, on November 12, 1991?

23          A     Correct.

24          Q     And then you returned it to Mr. Fitch?

25          A     Yes.

1           Q     Mr. Willson, you have identified several of your  
2 business interests including several mobile parks. Does your  
3 wife have any ownership interest in the Sandy Point mobile  
4 home park?

5           A     Yes.

6           Q     And that's in Antioch, California? Well, let me do  
7 it -- I'm sorry. Let me do it -- the Sandy -- when you were  
8 saying yes, were you talking about all of the Sandy Point --

9           A     All of the --

10          Q     She has an interest in all of the Sandy Points?

11          A     Yes.

12          Q     Of which there are three? Correct?

13          A     Yes.

14          Q     And does she have an interest in Sandy Point IV, the  
15 property in Santa Rosa?

16          A     Yes.

17          Q     And does she have interests in the Speed-Dee washers  
18 in Santa Rosa and Anselmo?

19          A     Yes.

20          Q     Does your wife participate with you in the operation  
21 of your businesses?

22          A     No.

23          Q     She doesn't do the bookkeeping or anything of that  
24 nature?

25          A     No.

1 Q Do you do all of the bookkeeping?

2 A The bookkeeping for the two, the two parks in  
3 Antioch and Bethel Island and Santa Rosa project I do myself.  
4 The Sanger park is done by my property manager.

5 Q And then do you consolidate the financial data?

6 A Yes, in my computer, yes.

7 Q Your wife had an ownership interest in the Sparkle  
8 Plenty carwash, did she not?

9 A Yes, she would have. I don't recall. It's been a  
10 long time ago, but yes. I would think she did, yes, when we  
11 bought the business.

12 Q Do you recall what the nature of her interest in  
13 that business was?

14 A Probably signed as an owner.

15 Q Did she participate with you in the day to day  
16 business at the carwash?

17 A No. It wasn't -- pardon me. It wasn't a carwash.  
18 It was an automobile detail shop.

19 Q Sorry. Did she participate with you in the day to  
20 day business of the detailing --

21 A No.

22 Q -- shop? Did she do any of the bookkeeping for that  
23 business?

24 A No.

25 Q Your wife had an interest in the radio station that

1 | you operated in Hanford, California, did she not?

2 |       A     Yes.

3 |       Q     And what was the nature of her interest in that  
4 | business?

5 |       A     Well, she was the Vice President of the corporation  
6 | and the Office Manager.

7 |       Q     Was she a director of the corporation?

8 |       A     Yes. She was on the Board of Directors.

9 |       Q     And she participated in the day to day businesses  
10 | -- day to day operation of the radio station as the Business  
11 | Manager?

12 |       A     She certainly did. Not the Business Manager, the  
13 | Office Manager. Let me correct that. You said Business  
14 | Manager.

15 |       Q     She was the Office Manager?

16 |       A     Office Manager.

17 |       Q     When did you acquire the Speed-Dee Wash in Santa  
18 | Rosa?

19 |       A     1988, May, April of May. I can't quite recall.  
20 | It's around that date.

21 |       Q     I'm sorry. I missed a question here. If I can go  
22 | back where we were talking about your wife as the Office  
23 | Manager --

24 |       A     Right.

25 |       Q     -- at the radio station? What was the scope of her

1 responsibilities there?

2 A She was in charge of the office and she was in  
3 charge of billing, answering the phones.

4 Q Did you have --

5 A She was in charge of the bookkeeper.

6 Q Did you have a separate Business Manager?

7 A I was the Business Manager, general overall  
8 operating officer of the company.

9 Q Okay. Now -- I'm sorry. When did you acquire the  
10 Speed-Dee Wash in Santa Rosa? I apologize for that.

11 A May of 1988.

12 Q And what is your address in Larkspur, California?

13 A No. 2, Corte Del Bayo.

14 Q Would you spell that for the reporter?

15 A C-O-R-T-E, Del, D-E-L, Bayo, B-A-Y-O, Larkspur,  
16 California 94939.

17 Q And that's in Marin County, is it not?

18 A Yes, it is.

19 Q Are you a member of a Chamber of Commerce that is  
20 located in Larkspur, the immediate area?

21 A No.

22 Q Have you ever been a member?

23 A No.

24 Q Are you a member of the Marin County Chamber of  
25 Commerce?

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1 A No.

2 MR. FITCH: Your Honor, I'd object on the grounds of  
3 relevance. Marin County is not in the service area. We're  
4 not making any claim for civic activities in Marin County.

5 JUDGE LUTON: It may have to do with something else.  
6 I don't know. Overruled.

7 BY MR. SHUBERT:

8 Q Are you a member of any Chamber of Commerce in San  
9 Anselmo?

10 A No.

11 Q Have you ever been a member?

12 A No.

13 Q Are you a member of any Chamber of Commerce in  
14 Antioch, California?

15 A No.

16 Q Or in the immediate area of Antioch?

17 A No.

18 Q Are you a member of any Chamber of Commerce in  
19 Bethel Island, California?

20 A Yes.

21 Q And what chamber is that?

22 A Delta Chamber.

23 Q And Delta, is that a chamber?

24 A Delta, that's operating in Bethel Island, Delta  
25 Chamber it's called.

1 Q And what is the Delta Chamber?

2 A Well, that's the Chamber of Commerce or -- it's  
3 called Delta Chamber and not called the Chamber of Commerce,  
4 but it's --

5 Q Are you an officer in that --

6 A No.

7 Q -- chamber?

8 A No.

9 Q Are you active in the chamber?

10 A No.

11 Q And how long have you been a member of the chamber  
12 there?

13 A I'm going to have to guess. Since maybe 1990.

14 Q Antioch and Bethel Island are in Contra Costa  
15 County, are they not?

16 A Yes.

17 Q Are there any other Chambers of Commerce in Contra  
18 Costa County other than the Delta Chamber?

19 A Yes. I think every town has a Chamber of Commerce.

20 Q Are you a member of the Contra Costa County Chamber  
21 of Commerce?

22 A No.

23 Q Are you a member of the Sanger, California Chamber  
24 of Commerce?

25 A No.



1 Q Have you ever been a member?

2 A No.

3 Q Sanger is located in Fresno County?

4 A Yes.

5 Q Are you a member of the Fresno County Chamber of  
6 Commerce?

7 A No.

8 Q Have you ever been a member of the Fresno County  
9 Chamber of Commerce?

10 A No.

11 JUDGE LUTON: I don't know how much more of this you  
12 have, Mr. Shubert, but I'm going to have to ask you to state  
13 for me the relevance of this.

14 MR. SHUBERT: Well, what I'm -- may I ask the  
15 witness to leave the room, Your Honor?

16 JUDGE LUTON: With that request, I've got to assume  
17 that you're -- have something fairly weighty in mind, so I'll  
18 just withdraw my question. Let's proceed.

19 BY MR. SHUBERT: I will have this line of  
20 questioning completed within the next four or five minutes  
21 tops and we'll move along as expeditiously as possible.

22 JUDGE LUTON: Okay. Proceed.

23 BY MR. SHUBERT:

24 Q Are you a member of any Hispanic Chamber of Commerce  
25 in Marin County?

1 A No.

2 Q Have you ever been a member --

3 A No.

4 Q -- of any Hispanic Chamber of Commerce?

5 A I know of none myself.

6 Q Are you a member of any Hispanic Chamber of Commerce  
7 in Fresno County?

8 A No.

9 Q Have you ever been a member?

10 A No.

11 Q Are you a member of any Hispanic Chamber of Commerce  
12 in Contra Costa County?

13 A No.

14 Q Have you ever been a member of any Hispanic Chamber  
15 of Commerce there?

16 A No.

17 Q Are you a member, are you a member of the Marin  
18 County Special Olympics?

19 MR. FITCH: Your Honor, at this point I'm going to  
20 object on another grounds. We objected earlier on the ground  
21 of relevance, but at this point these questions assume -- not  
22 know this. We don't know whether there's a Marin Special  
23 Olympics committee and this is a -- this is an assumption that  
24 such an organization exists.

25 MR. SHUBERT: All right. I'll lay predicate on it.

1 I was just trying to shortcut it, but I can lay the predicate.

2 BY MR. SHUBERT:

3 Q Are you aware there is a Marin County Special  
4 Olympics?

5 A I believe there is.

6 Q Are you a member of the Marin County Special  
7 Olympics?

8 A No, sir.

9 Q Have you ever been a member of the Marin County  
10 Special Olympics?

11 A No.

12 Q Are you aware whether or not Contra Costa County has  
13 a Special Olympics?

14 A I have no idea.

15 Q You're not a member of any Special Olympics there,  
16 are you?

17 A No.

18 Q Your radio station in Hanford, California was  
19 located in Kings County, was it not?

20 A Yes.

21 Q Were you a member of the Chamber of Commerce in  
22 Kings County?

23 A Yes.

24 MR. FITCH: I'm going to object, Your Honor, same  
25 grounds of relevance. This has been going on and on and on.

1 JUDGE LUTON: I'm going to ask Mr. Willson to step  
2 outside of the door for just a moment while we -- while I try  
3 to understand what this questioning has to do with. Thank  
4 you, Mr. Willson.

5 (Whereupon, the witness was temporarily excused.)

6 JUDGE LUTON: Relevance is what concerns me.

7 MR. SHUBERT: Well, Your Honor, what I'm trying to  
8 -- or what I will be showing and developing a record to show  
9 is that Mr. Willson is now a member of the Santa Rosa Chamber  
10 of Commerce. He's had a business in Santa Rosa since 1989,  
11 since May of 1988, and didn't join the Chamber of Commerce  
12 until recently. He's been in -- had businesses in all of  
13 these other counties and has never been a member of the  
14 Chamber of Commerce there. He's never been a member of the  
15 Special Olympics. Essentially what I am working toward is to  
16 be able to permit -- be an argument to say -- to discredit his  
17 civic involvement claims.

18 JUDGE LUTON: I see. You want to be able to, you  
19 want to be able to make the argument that Mr. Willson's  
20 membership in the Santa Rosa County Chamber is a convenience  
21 for purposes of this hearing?

22 MR. SHUBERT: Yes, exactly, Your Honor.

23 JUDGE LUTON: Well -- so I can do that, try to do  
24 that, but couldn't you just cut all that by, by asking, for  
25 example, whether he's ever been a member of Chambers of

1 Commerce if they existed in the areas in which he's had  
2 businesses in the past?

3 MR. SHUBERT: Well, I've pretty well covered the,  
4 the Chambers of Commerce. I can do that with respect to the  
5 Special Olympics.

6 JUDGE LUTON: Well, whatever, if there are other  
7 things you have. It seems to me that there has --

8 MR. SHUBERT: I can do that.

9 JUDGE LUTON: -- got to be a shorthand way of doing  
10 that --

11 MR. SHUBERT: I can do that.

12 JUDGE LUTON: -- without spelling it all out.

13 MR. SHUBERT: I just wanted to try to do it so that  
14 it was --

15 JUDGE LUTON: Okay. I'll --

16 MR. SHUBERT: -- clear and concise.

17 JUDGE LUTON: Yeah. I think I'll permit the line of  
18 questioning. I'll hear from the other side if there are any  
19 problems with that.

20 MR. FITCH: Well, I would, I would just note that  
21 the Commission has, has said if you want to join post-  
22 application organizations, that's fine with us, but we  
23 recognize that these -- that joining post-filing the  
24 application is given less weight for the very reason that,  
25 that there's implicitly a motive for joining.

1 JUDGE LUTON: Yes. All right.

2 MR. FITCH: I mean, there's no big secret here, but  
3 the fact that -- whether or not he has joined in the past  
4 other civic organizations really doesn't have anything to do  
5 with a specific credit to be awarded now.

6 JUDGE LUTON: That may well be, but that ought not  
7 cut off the line of inquiry, I don't think. Ask Mr. Willson  
8 to come back and we will continue.

9 Whereupon,

10 GARY E. WILLSON

11 was recalled as witness and, having previously been duly  
12 sworn, was examined and testified further as follows:

13 CROSS-EXAMINATION

14 BY MR. SHUBERT:

15 Q I believe you indicated you had been a member of the  
16 Kings County Chamber of Commerce?

17 A Hanford Chamber of Commerce.

18 Q Hanford County? I'm sorry. And how long were you a  
19 member there?

20 A At least four years, maybe five.

21 Q From when to when?

22 A Well, we started the station in 1976 and I was a  
23 member prior to that -- I got to guess at least five years.

24 Q Were you active in the Chamber?

25 A Yes.

1 Q And did you hold any offices in the Chamber?

2 A No, sir.

3 Q And by being active, what did you -- did you  
4 regularly attend meetings?

5 A Yes.

6 Q On a regular basis you attended all of the meetings  
7 of the association?

8 A Not all of the meetings, but I attended quite a few  
9 of them. My wife did, too.

10 Q Aside from -- Napa County or Sonoma County, have you  
11 ever been involved with Special Olympics anywhere else?

12 A No.

13 Q Or a contributor, just financial --

14 A A financial contributor, yes.

15 Q But you've never been actively involved in any of  
16 the --

17 A No, not until now.

18 Q -- events? You're a member of the Western  
19 Mobilehome Association?

20 A Yes, sir.

21 Q When did you start attending meetings in Santa Rosa?

22 A Probably -- I can't recall.

23 Q Have you attended meetings in Santa Rosa?

24 A Oh, yes. I've attended a lot of meetings there. I  
25 just -- I can't remember when it started. I've owned parks

1 since 1989 and I would say probably in the last couple of  
2 years.

3 Q Are meetings of the Western Mobilehome Association  
4 held in Marin County?

5 A No.

6 Q They're not?

7 A No.

8 Q Are WMA or Western Mobilehome Association meetings  
9 held anywhere in Fresno County?

10 A Yes.

11 Q Do you attend meetings in Fresno County?

12 A No.

13 Q Are meetings of the Western Mobilehome Association  
14 held anywhere in Contra Costa County?

15 A Yes.

16 Q Do you attend those meetings in Contra Costa County?

17 A Yes, I have.

18 Q Do you attend those on a regular basis?

19 A Fairly regularly. I haven't been to one lately, but

20 --

21 Q Can you tell us when the last one was?

22 A I don't know, eight or nine months ago.

23 Q Have you attended more than a half-dozen of those  
24 meetings?

25 A I don't know, possibly.



1 Q What is your estimate of the number of meetings  
2 you've attended?

3 A You mean all tolled or --

4 Q In Contra Costa County.

5 A In Contra Costa County maybe 6.

6 Q Over a period of how many years?

7 A The last couple of years.

8 Q Since 1989?

9 A Yeah.

10 Q The Sparkle Plenty carwash --

11 A Auto detail shop.

12 Q Auto detail shop. I'm sorry. I will get that  
13 straight before we're through here. You operated that  
14 business for only five months? Is that correct?

15 A Six months.

16 Q Did you operate it for six months or did you own it  
17 for six months?

18 A I owned it for six months and operated it for  
19 probably five.

20 Q Isn't it true that when you acquired that business  
21 you were looking to be an absentee owner of that operation?

22 A That's correct.

23 Q So it wasn't your intention to work in the business  
24 on a daily basis when you bought it, was it?

25 A That's right.

1 Q Is it not also true that the only reason you were in  
2 Santa Rosa to operate the Sparkle Plenty business was because  
3 after you acquired the business you thought it could not be  
4 operated as an absentee business?

5 A That's correct.

6 Q With the exception of Sparkle Plenty, since 1988  
7 have you acquired, owned or operated any business that  
8 required your daily onsite presence to maintain the business?

9 A No.

10 Q On a day to day basis you have someone on call to  
11 oversee the operation of the Speed-Dee Wash laundromats, don't  
12 you?

13 A Yes. I have a janitorial service and a handyman.

14 Q Your radio station in Hanford, California, you  
15 acquired that in what year?

16 A I didn't acquire it. I started it. It was a  
17 startup. I started that in December of 1976, we went on the  
18 air.

19 Q And how long did it take you to construct that  
20 station?

21 A I'm going to guess now, about a year.

22 Q You acquired that facility as the result of a  
23 comparative FCC hearing?

24 A I acquired the license, yes. There was no hearing.

25 Q There was no hearing?

1 A No.

2 Q No one else had applied for Hanford? Were you --

3 A There was another applicant, yes.

4 Q And did you settle with the other applicant?

5 A Yes.

6 Q And you operated that station for five years?

7 A Four-and-a -- yeah, a little less than five years.

8 Q And you sold the station? Is that correct?

9 A Yes, I did.

10 Q And you sold the station in 1981?

11 A '81.

12 Q Can you tell us what the reason was that you sold  
13 the station in 1981?

14 A Well, the reason was that I was running out of  
15 sufficient capital to really compete in the marketplace and  
16 the other reason was that the market had become very crowded  
17 with a number of stations. When I started in the market it  
18 was kind of a countrywide station market and I came along and  
19 things changed.

20 Q So it was the competition that really --

21 A It was the competition and lack of available funds.  
22 I had a competitor that ran a \$100,000 give-away against me  
23 and I could not borrow enough money to challenge those kind of  
24 operators, so the only way I could go was to sell the station,  
25 which I didn't want to do and, of course, after I sold it I

1 didn't have my radio station anymore. I had the money, but I  
2 had no radio station.

3 Q Are you familiar with the competitors that you'll  
4 face in Calistoga?

5 A Yes.

6 Q Who do you consider those competitors to be?

7 A Well, it's a relatively small market as far as the  
8 metro listening in that marketplace. There's a total of about  
9 six radio stations there, two of which are major.

10 Q That includes signals that are delivered to the  
11 market?

12 A No. There are many more signals that enter the  
13 market from other communities, but they have no sales office  
14 and no real presence in the marketplace.

15 Q Are you concerned about the competitors in the  
16 Calistoga market?

17 A No.

18 Q Didn't you recently file a Petition to Deny an  
19 application involving one of the stations in the market --  
20 serving the market?

21 A Yes, I did.

22 Q What was the basis of your complaint?

23 A The basis of my complaint is that if the sale  
24 occurred, KXFX, if it were sold to Fuller Jeffrey  
25 Broadcasting, it would make a monster combination that would,

1 for the most part, give them 50 percent of the radio -- the  
2 rated radio stations in the metro market and a 42 percent  
3 share of the audience which I felt was a terrible advantage  
4 for Fuller Jeffrey. That's why I objected.

5 Q Fuller Jeffrey would be acquiring a third market in  
6 -- a third station in the market?

7 A A third station, yes.

8 Q Has your petition been disposed of?

9 A No. It's still before the Commission.

10 Q Now, there came the time in 1991 when you filed your  
11 application for Calistoga with the Federal Communications  
12 Commission. Do you know whether a check to pay the FCC filing  
13 fees accompanied that application?

14 A Yes.

15 Q A check did accompany that?

16 A Yes.

17 Q And whose check was that?

18 A My check, our check, my wife and my check, I  
19 believe.

20 MR. SHUBERT: Your Honor, at this time I would like  
21 to take and put before the witness a copy of a check dated  
22 November 12, 1991.

23 BY MR. SHUBERT:

24 Q Do you have a copy of that check before you, Mr.  
25 Willson?

1           A     Yes, sir.

2           Q     Is that the check, to the best of your recollection,  
3 that accompanied your filing fee to the FCC -- or your  
4 application to the FCC?

5           A     Yes, sir.

6           Q     And did you sign that check?

7           A     Yes.

8           Q     And that check is drawn on a joint account, is it  
9 not?

10          A     Yes.

11          Q     And who are the parties to that joint account?

12          A     Myself and my wife.

13          Q     And your wife must then be Martha-Mary Willson?

14          A     Correct.

15               MR. SHUBERT: Your Honor, at this point in time I  
16 would like to mark for identification as Moonbeam Exhibit No.  
17 3 a -- do you have another sticker -- a photocopy of the  
18 filing fee check that Mr. Willson has identified as that that  
19 accompanied his application when it was filed to the  
20 Commission or with the Commission. I provide you a copy and I  
21 provide the reporter with an original and one copy of the  
22 check. I ask that it be identified and admitted into  
23 evidence, Your Honor.

24               JUDGE LUTON: Moonbeam 3 for identification. Any  
25 objection?

1 MR. FITCH: Yes, Your Honor, on the grounds of  
2 relevance. There's no real party and interest issue here.  
3 It's a check signed by Mr. Willson.

4 JUDGE LUTON: Overruled. Received, Moonbeam's  
5 Exhibit 3.

6 (The document that was referred to as  
7 Moonbeam's Exhibit No. 3 was marked  
8 for identification and received into  
9 evidence.)

10 BY MR. SHUBERT:

11 Q Now, Mr. Willson, during the course of this  
12 proceeding among the documents that have been produced by your  
13 side was a financial statement and, if I may, I would like to  
14 put a copy of the financial statement before you and ask you a  
15 few questions about that. Did you rely upon this document for  
16 anything in relation to your application?

17 A Yes.

18 Q And what was -- what did you rely on it for?

19 A To show that I have the proper assets, liquid  
20 assets, to fund the station for three months of operation.

21 Q And this was at the time you prepared and signed the  
22 application?

23 A Well, this particular financial --

24 Q Just say or no to the question. Was this at the  
25 time you signed and prepared the application?

1 A Yes.

2 Q And is this your individual financial statement?

3 A Yes.

4 Q You alone? It doesn't include your wife?

5 A It's my wife and mine, yes.

6 Q This is a joint financial statement for you and your  
7 wife?

8 A Yes, that's right.

9 Q It's a consolidated statement?

10 A Yes, it is.

11 Q And, again, it bears the notation at the top of the  
12 page of Gary E. and Martha-Mary Willson?

13 A That's correct.

14 Q Did you prepare this statement?

15 A Yes.

16 Q You didn't have any assistance preparing this  
17 statement?

18 A No.

19 Q And that is your signature and the signature of your  
20 wife on page 2 of that document?

21 A That's correct.

22 MR. SHUBERT: At this point, Your Honor, I would  
23 like to have this financial statement identified -- marked for  
24 identification as Moonbeam Exhibit No. 4 and I would provide  
25 the reporter with an original and one copy of the financial



1 statement which I have marked as Moonbeam Exhibit No. 4 and  
2 ask that it be admitted into evidence.

3 (The document that was referred to as  
4 Moonbeam's Exhibit No. 4 was marked  
5 for identification.)

6 JUDGE LUTON: Obviously there's no financial issue.  
7 What's the purpose of the offering?

8 MR. SHUBERT: This has to do with spousal  
9 attribution, Your Honor, and the fact that all of the assets  
10 that are being relied on in this connection -- in connection  
11 with this application are joint assets of the husband and  
12 wife.

13 JUDGE LUTON: Which might go to prove what point  
14 that's relevant in this proceeding?

15 MR. SHUBERT: That in light of the fact that nothing  
16 has been produced under the requirements of -- I believe it's  
17 Absolutely Great Radio that says that certain thresholds must  
18 be met before the Commission will not account for spousal  
19 attribution and that those thresholds have not been met here,  
20 that since this is joint property, 50 percent of the  
21 attribution of this property is attributable to his wife and  
22 that, therefore, his integration that he is entitled to should  
23 only be 50 percent rather than 100 percent.

24 MR. FITCH: May I respond, Your Honor?

25 JUDGE LUTON: Wow! There is lots of things in